



General Assembly

Distr.
GENERAL

A/RES/46/118
11 February 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY
[on the report of the Third Committee (A/46/721)]

46/118. Strengthening of the Centre for Human Rights of the Secretariat

The General Assembly,

Recalling its resolutions 44/135 of 15 December 1989 and 45/180 of 21 December 1990,

Bearing in mind Commission on Human Rights resolutions 1989/46 of 6 March 1989, 1/ 1990/25 of 27 February 1990 2/ and 1991/23 of 5 March 1991, 3/ as well as Economic and Social Council resolutions 1990/47 of 25 May 1990 and 1991/36 of 31 May 1991,

Recalling its resolution 45/248 B of 21 December 1990, in particular, section V thereof,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the United Nations enshrined in the Charter of the United Nations and an issue of the utmost importance for the Organization,

1/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

2/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

3/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

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Recalling that the Secretary-General in his report on the work of the Organization for 1991 stated that the protection of human rights had become one of the keystones in the arch of peace, 4/

Recognizing the important role of the Centre for Human Rights of the Secretariat in the promotion, protection and implementation of human rights and the need to provide sufficient human resources to the Centre, particularly in view of the fact that its workload has greatly increased, while resources have failed to keep pace with the expansion of its responsibilities, 5/

Having considered the report of the Secretary-General 5/ and noting that, while increased resources were accorded by the General Assembly by its resolution 45/248 B, section V, in response to the critical situation faced by the Centre for Human Rights in 1991, since then, the workload of the Centre, by reason of decisions of intergovernmental and expert bodies, inter alia, has continued to increase in response to strongly felt international concerns,

Noting that the Centre for Human Rights was requested by the Commission on Human Rights and the Economic and Social Council to carry out additional mandates after the preparation of the proposed programme budget for the biennium 1992-1993,

1. Emphasizes that, when the proposed programme budget for the biennium 1992-1993 is reviewed, adequate staffing, temporary assistance and other resources should be allocated to the Centre for Human Rights of the Secretariat so as to enable it to respond to its increasing workload and to its needs in order to carry out all the functions assigned to it, including those relating to the preparations for the World Conference on Human Rights to be held in 1993 and the Conference itself;

2. Requests the Secretary-General to ensure that sufficient resources are accorded to the Centre for Human Rights to enable it to carry out, in full and on time, all the mandates, including the additional ones, resulting from the decisions of intergovernmental and expert bodies;

3. Also requests the Secretary-General to submit an interim report to the Commission on Human Rights at its forty-eighth session and a final report to the General Assembly at its forty-seventh session on the developments relating to the activities of the Centre for Human Rights and on the measures taken to implement the present resolution.

75th plenary meeting
17 December 1991

4/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 1 (A/46/1), sect. VI.

5/ See E/1990/50.

6/ A/46/603.



General Assembly

Distr.
GENERAL

A/RES/46/119
18 February 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721)]

46/119. The protection of persons with mental illness
and the improvement of mental health care

The General Assembly,

Mindful of the provisions of the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights, 2/ the International Covenant on Economic, Social and Cultural Rights 2/ and other relevant instruments, such as the Declaration on the Rights of Disabled Persons 3/ and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 4/

Recalling its resolution 33/53 of 14 December 1978, in which it requested the Commission on Human Rights to urge the Subcommission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detained on the grounds of mental ill-health, with a view to formulating guidelines,

- 1/ Resolution 217 A (III).
- 2/ See resolution 2200 A (XXI), annex.
- 3/ Resolution 3447 (XXX).
- 4/ Resolution 43/173, annex.

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Recalling also its resolution 45/92 of 14 December 1990, in which it welcomed the progress made by the working group of the Commission on Human Rights in elaborating a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care on the basis of a draft submitted to the Commission by the Subcommittee on Prevention of Discrimination and Protection of Minorities,

Taking note of Commission on Human Rights resolution 1991/46 of 5 March 1991, 5/ in which the Commission endorsed the draft body of principles that had been submitted to it by the working group and decided to transmit it, as well as the report of the working group, to the General Assembly, through the Economic and Social Council,

Taking note also of Economic and Social Council resolution 1991/29 of 31 May 1991, in which the Council decided to submit the draft body of principles and the report of the working group to the General Assembly,

Taking note further of the recommendations of the Commission on Human Rights in its resolution 1991/46 and of the Economic and Social Council in its resolution 1991/29 that, on the adoption by the General Assembly of the draft body of principles, the full text thereof should be given the widest possible dissemination and that the introduction to the body of principles should at the same time be published as an accompanying document for the benefit of Governments and the public at large,

Taking note of the note by the Secretary-General, 6/ the annex to which contains the draft body of principles and the introduction to the body of principles,

1. Adopts the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, the text of which is contained in the annex to the present resolution;
2. Requests the Secretary-General to include the text of the Principles, together with the introduction, in the next edition of the publication entitled "Human Rights: A Compilation of International Instruments";
3. Requests the Secretary-General to give the Principles the widest possible dissemination and to ensure that the introduction is published at the same time as an accompanying document for the benefit of Governments and the public at large.

75th plenary meeting
17 December 1991

5/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

6/ A/46/421.

ANNEX

Principles for the Protection of Persons with Mental Illness
and for the Improvement of Mental Health Care

Application

The present Principles shall be applied without discrimination on any grounds, such as disability, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, legal or social status, age, property or birth.

Definitions

In the present Principles:

- (a) "Counsel" means a legal or other qualified representative;
- (b) "Independent authority" means a competent and independent authority prescribed by domestic law;
- (c) "Mental health care" includes analysis and diagnosis of a person's mental condition, and treatment, care and rehabilitation for a mental illness or suspected mental illness;
- (d) "Mental health facility" means any establishment, or any unit of an establishment, which as its primary function provides mental health care;
- (e) "Mental health practitioner" means a medical doctor, clinical psychologist, nurse, social worker or other appropriately trained and qualified person with specific skills relevant to mental health care;
- (f) "Patient" means a person receiving mental health care and includes all persons who are admitted to a mental health facility;
- (g) "Personal representative" means a person charged by law with the duty of representing a patient's interests in any specified respect or of exercising specified rights on the patient's behalf, and includes the parent or legal guardian of a minor unless otherwise provided by domestic law;
- (h) "The review body" means the body established in accordance with principle 17 to review the involuntary admission or retention of a patient in a mental health facility.

General limitation clause

The exercise of the rights set forth in the present Principles may be subject only to such limitations as are prescribed by law and are necessary to protect the health or safety of the person concerned or of others, or otherwise to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

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Principle 1

Fundamental freedoms and basic rights

1. All persons have the right to the best available mental health care, which shall be part of the health and social care system.
2. All persons with a mental illness, or who are being treated as such persons, shall be treated with humanity and respect for the inherent dignity of the human person.
3. All persons with a mental illness, or who are being treated as such persons, have the right to protection from economic, sexual and other forms of exploitation, physical or other abuse and degrading treatment.
4. There shall be no discrimination on the grounds of mental illness. "Discrimination" means any distinction, exclusion or preference that has the effect of nullifying or impairing equal enjoyment of rights. Special measures solely to protect the rights, or secure the advancement, of persons with mental illness shall not be deemed to be discriminatory. Discrimination does not include any distinction, exclusion or preference undertaken in accordance with the provisions of the present Principles and necessary to protect the human rights of a person with a mental illness or of other individuals.
5. Every person with a mental illness shall have the right to exercise all civil, political, economic, social and cultural rights as recognized in the Universal Declaration of Human Rights, 1/ the International Covenant on Economic, Social and Cultural Rights, 2/ the International Covenant on Civil and Political Rights 2/ and in other relevant instruments, such as the Declaration on the Rights of Disabled Persons 3/ and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. 4/
6. Any decision that, by reason of his or her mental illness, a person lacks legal capacity, and any decision that, in consequence of such incapacity, a personal representative shall be appointed, shall be made only after a fair hearing by an independent and impartial tribunal established by domestic law. The person whose capacity is at issue shall be entitled to be represented by a counsel. If the person whose capacity is at issue does not himself or herself secure such representation, it shall be made available without payment by that person to the extent that he or she does not have sufficient means to pay for it. The counsel shall not in the same proceedings represent a mental health facility or its personnel and shall not also represent a member of the family of the person whose capacity is at issue unless the tribunal is satisfied that there is no conflict of interest. Decisions regarding capacity and the need for a personal representative shall be reviewed at reasonable intervals prescribed by domestic law. The person whose capacity is at issue, his or her personal representative, if any, and any other interested person shall have the right to appeal to a higher court against any such decision.
7. Where a court or other competent tribunal finds that a person with mental illness is unable to manage his or her own affairs, measures shall be taken, so far as is necessary and appropriate to that person's condition, to ensure the protection of his or her interests.

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Principle 2

Protection of minors

Special care should be given within the purposes of the Principles and within the context of domestic law relating to the protection of minors to protect the rights of minors, including, if necessary, the appointment of a personal representative other than a family member.

Principle 3

Life in the community

Every person with a mental illness shall have the right to live and work, to the extent possible, in the community.

Principle 4

Determination of mental illness

1. A determination that a person has a mental illness shall be made in accordance with internationally accepted medical standards.
2. A determination of mental illness shall never be made on the basis of political, economic or social status, or membership in a cultural, racial or religious group, or for any other reason not directly relevant to mental health status.
3. Family or professional conflict, or non-conformity with moral, social, cultural or political values or religious beliefs prevailing in a person's community, shall never be a determining factor in the diagnosis of mental illness.
4. A background of past treatment or hospitalization as a patient shall not of itself justify any present or future determination of mental illness.
5. No person or authority shall classify a person as having, or otherwise indicate that a person has, a mental illness except for purposes directly relating to mental illness or the consequences of mental illness.

Principle 5

Medical examination

No person shall be compelled to undergo medical examination with a view to determining whether or not he or she has a mental illness except in accordance with a procedure authorized by domestic law.

Principle 6

Confidentiality

The right of confidentiality of information concerning all persons to whom the present Principles apply shall be respected.

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Principle 7

Role of community and culture

1. Every patient shall have the right to be treated and cared for, as far as possible, in the community in which he or she lives.
2. Where treatment takes place in a mental health facility, a patient shall have the right, whenever possible, to be treated near his or her home or the home of his or her relatives or friends and shall have the right to return to the community as soon as possible.
3. Every patient shall have the right to treatment suited to his or her cultural background.

Principle 8

Standards of care

1. Every patient shall have the right to receive such health and social care as is appropriate to his or her health needs, and is entitled to care and treatment in accordance with the same standards as other ill persons.
2. Every patient shall be protected from harm, including unjustified medication, abuse by other patients, staff or others or other acts causing mental distress or physical discomfort.

Principle 9

Treatment

1. Every patient shall have the right to be treated in the least restrictive environment and with the least restrictive or intrusive treatment appropriate to the patient's health needs and the need to protect the physical safety of others.
2. The treatment and care of every patient shall be based on an individually prescribed plan, discussed with the patient, reviewed regularly, revised as necessary and provided by qualified professional staff.
3. Mental health care shall always be provided in accordance with applicable standards of ethics for mental health practitioners, including internationally accepted standards such as the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the United Nations General Assembly. 7/ Mental health knowledge and skills shall never be abused.
4. The treatment of every patient shall be directed towards preserving and enhancing personal autonomy.

7/ Resolution 37/194, annex.

Principle 10

Medication

1. Medication shall meet the best health needs of the patient, shall be given to a patient only for therapeutic or diagnostic purposes and shall never be administered as a punishment or for the convenience of others. Subject to the provisions of paragraph 15 of principle 11 below, mental health practitioners shall only administer medication of known or demonstrated efficacy.
2. All medication shall be prescribed by a mental health practitioner authorized by law and shall be recorded in the patient's records.

Principle 11

Consent to treatment

1. No treatment shall be given to a patient without his or her informed consent, except as provided for in paragraphs 6, 7, 8, 13 and 15 of the present principle.
2. Informed consent is consent obtained freely, without threats or improper inducements, after appropriate disclosure to the patient of adequate and understandable information in a form and language understood by the patient on:
 - (a) The diagnostic assessment;
 - (b) The purpose, method, likely duration and expected benefit of the proposed treatment;
 - (c) Alternative modes of treatment, including those less intrusive;
 - (d) Possible pain or discomfort, risks and side-effects of the proposed treatment.
3. A patient may request the presence of a person or persons of the patient's choosing during the procedure for granting consent.
4. A patient has the right to refuse or stop treatment, except as provided for in paragraphs 6, 7, 8, 13 and 15 of the present principle. The consequences of refusing or stopping treatment must be explained to the patient.
5. A patient shall never be invited or induced to waive the right to informed consent. If the patient should seek to do so, it shall be explained to the patient that the treatment cannot be given without informed consent.
6. Except as provided in paragraphs 7, 8, 12, 13, 14 and 15 of the present principle, a proposed plan of treatment may be given to a patient without a patient's informed consent if the following conditions are satisfied:
 - (a) The patient is, at the relevant time, held as an involuntary patient;

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(b) An independent authority, having in its possession all relevant information, including the information specified in paragraph 2 of the present principle, is satisfied that, at the relevant time, the patient lacks the capacity to give or withhold informed consent to the proposed plan of treatment or, if domestic legislation so provides, that, having regard to the patient's own safety or the safety of others, the patient unreasonably withholds such consent;

(c) The independent authority is satisfied that the proposed plan of treatment is in the best interest of the patient's health needs.

7. Paragraph 6 above does not apply to a patient with a personal representative empowered by law to consent to treatment for the patient; but, except as provided in paragraphs 12, 13, 14 and 15 of the present principle, treatment may be given to such a patient without his or her informed consent if the personal representative, having been given the information described in paragraph 2 of the present principle, consents on the patient's behalf.

8. Except as provided in paragraphs 12, 13, 14 and 15 of the present principle, treatment may also be given to any patient without the patient's informed consent if a qualified mental health practitioner authorized by law determines that it is urgently necessary in order to prevent immediate or imminent harm to the patient or to other persons. Such treatment shall not be prolonged beyond the period that is strictly necessary for this purpose.

9. Where any treatment is authorized without the patient's informed consent, every effort shall nevertheless be made to inform the patient about the nature of the treatment and any possible alternatives and to involve the patient as far as practicable in the development of the treatment plan.

10. All treatment shall be immediately recorded in the patient's medical records, with an indication of whether involuntary or voluntary.

11. Physical restraint or involuntary seclusion of a patient shall not be employed except in accordance with the officially approved procedures of the mental health facility and only when it is the only means available to prevent immediate or imminent harm to the patient or others. It shall not be prolonged beyond the period which is strictly necessary for this purpose. All instances of physical restraint or involuntary seclusion, the reasons for them and their nature and extent shall be recorded in the patient's medical record. A patient who is restrained or secluded shall be kept under humane conditions and be under the care and close and regular supervision of qualified members of the staff. A personal representative, if any and if relevant, shall be given prompt notice of any physical restraint or involuntary seclusion of the patient.

12. Sterilization shall never be carried out as a treatment for mental illness.

13. A major medical or surgical procedure may be carried out on a person with mental illness only where it is permitted by domestic law, where it is considered that it would best serve the health needs of the patient and where the patient gives informed consent, except that, where the patient is unable to give informed consent, the procedure shall be authorized only after independent review.

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14. Psychosurgery and other intrusive and irreversible treatments for mental illness shall never be carried out on a patient who is an involuntary patient in a mental health facility and, to the extent that domestic law permits them to be carried out, they may be carried out on any other patient only where the patient has given informed consent and an independent external body has satisfied itself that there is genuine informed consent and that the treatment best serves the health needs of the patient.

15. Clinical trials and experimental treatment shall never be carried out on any patient without informed consent, except that a patient who is unable to give informed consent may be admitted to a clinical trial or given experimental treatment, but only with the approval of a competent, independent review body specifically constituted for this purpose.

16. In the cases specified in paragraphs 6, 7, 8, 13, 14 and 15 of the present principle, the patient or his or her personal representative, or any interested person, shall have the right to appeal to a judicial or other independent authority concerning any treatment given to him or her.

Principle 12

Notice of rights

1. A patient in a mental health facility shall be informed as soon as possible after admission, in a form and a language which the patient understands, of all his or her rights in accordance with the present Principles and under domestic law, and the information shall include an explanation of those rights and how to exercise them.

2. If and for so long as a patient is unable to understand such information, the rights of the patient shall be communicated to the personal representative, if any and if appropriate, and to the person or persons best able to represent the patient's interests and willing to do so.

3. A patient who has the necessary capacity has the right to nominate a person who should be informed on his or her behalf, as well as a person to represent his or her interests to the authorities of the facility.

Principle 13

Rights and conditions in mental health facilities

1. Every patient in a mental health facility shall, in particular, have the right to full respect for his or her:

(a) Recognition everywhere as a person before the law;

(b) Privacy;

(c) Freedom of communication, which includes freedom to communicate with other persons in the facility; freedom to send and receive uncensored private communications; freedom to receive, in private, visits from a counsel or personal representative and, at all reasonable times, from other visitors; and freedom of access to postal and telephone services and to newspapers, radio and television;

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(d) Freedom of religion or belief.

2. The environment and living conditions in mental health facilities shall be as close as possible to those of the normal life of persons of similar age and in particular shall include:

(a) Facilities for recreational and leisure activities;

(b) Facilities for education;

(c) Facilities to purchase or receive items for daily living, recreation and communication;

(d) Facilities, and encouragement to use such facilities, for a patient's engagement in active occupation suited to his or her social and cultural background, and for appropriate vocational rehabilitation measures to promote reintegration in the community. These measures should include vocational guidance, vocational training and placement services to enable patients to secure or retain employment in the community.

3. In no circumstances shall a patient be subject to forced labour. Within the limits compatible with the needs of the patient and with the requirements of institutional administration, a patient shall be able to choose the type of work he or she wishes to perform.

4. The labour of a patient in a mental health facility shall not be exploited. Every such patient shall have the right to receive the same remuneration for any work which he or she does as would, according to domestic law or custom, be paid for such work to a non-patient. Every such patient shall, in any event, have the right to receive a fair share of any remuneration which is paid to the mental health facility for his or her work.

Principle 14

Resources for mental health facilities

1. A mental health facility shall have access to the same level of resources as any other health establishment, and in particular:

(a) Qualified medical and other appropriate professional staff in sufficient numbers and with adequate space to provide each patient with privacy and a programme of appropriate and active therapy;

(b) Diagnostic and therapeutic equipment for the patient;

(c) Appropriate professional care;

(d) Adequate, regular and comprehensive treatment, including supplies of medication.

2. Every mental health facility shall be inspected by the competent authorities with sufficient frequency to ensure that the conditions, treatment and care of patients comply with the present Principles.

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Principle 15

Admission principles

1. Where a person needs treatment in a mental health facility, every effort shall be made to avoid involuntary admission.
2. Access to a mental health facility shall be administered in the same way as access to any other facility for any other illness.
3. Every patient not admitted involuntarily shall have the right to leave the mental health facility at any time unless the criteria for his or her retention as an involuntary patient, as set forth in principle 16 below, apply, and he or she shall be informed of that right.

Principle 16

Involuntary admission

1. A person may be admitted involuntarily to a mental health facility as a patient or, having already been admitted voluntarily as a patient, be retained as an involuntary patient in the mental health facility if, and only if, a qualified mental health practitioner authorized by law for that purpose determines, in accordance with principle 4 above, that that person has a mental illness and considers:

(a) That, because of that mental illness, there is a serious likelihood of immediate or imminent harm to that person or to other persons; or

(b) That, in the case of a person whose mental illness is severe and whose judgement is impaired, failure to admit or retain that person is likely to lead to a serious deterioration in his or her condition or will prevent the giving of appropriate treatment that can only be given by admission to a mental health facility in accordance with the principle of the least restrictive alternative.

In the case referred to in subparagraph (b), a second such mental health practitioner, independent of the first, should be consulted where possible. If such consultation takes place, the involuntary admission or retention may not take place unless the second mental health practitioner concurs.

2. Involuntary admission or retention shall initially be for a short period as specified by domestic law for observation and preliminary treatment pending review of the admission or retention by the review body. The grounds of the admission shall be communicated to the patient without delay and the fact of the admission and the grounds for it shall also be communicated promptly and in detail to the review body, to the patient's personal representative, if any, and, unless the patient objects, to the patient's family.

3. A mental health facility may receive involuntarily admitted patients only if the facility has been designated to do so by a competent authority prescribed by domestic law.

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Principle 17

Review body

1. The review body shall be a judicial or other independent and impartial body established by domestic law and functioning in accordance with procedures laid down by domestic law. It shall, in formulating its decisions, have the assistance of one or more qualified and independent mental health practitioners and take their advice into account.
2. The initial review of the review body, as required by paragraph 2 of principle 16 above, of a decision to admit or retain a person as an involuntary patient shall take place as soon as possible after that decision and shall be conducted in accordance with simple and expeditious procedures as specified by domestic law.
3. The review body shall periodically review the cases of involuntary patients at reasonable intervals as specified by domestic law.
4. An involuntary patient may apply to the review body for release or voluntary status, at reasonable intervals as specified by domestic law.
5. At each review, the review body shall consider whether the criteria for involuntary admission set out in paragraph 1 of principle 16 above are still satisfied, and, if not, the patient shall be discharged as an involuntary patient.
6. If at any time the mental health practitioner responsible for the case is satisfied that the conditions for the retention of a person as an involuntary patient are no longer satisfied, he or she shall order the discharge of that person as such a patient.
7. A patient or his personal representative or any interested person shall have the right to appeal to a higher court against a decision that the patient be admitted to, or be retained in, a mental health facility.

Principle 18

Procedural safeguards

1. The patient shall be entitled to choose and appoint a counsel to represent the patient as such, including representation in any complaint procedure or appeal. If the patient does not secure such services, a counsel shall be made available without payment by the patient to the extent that the patient lacks sufficient means to pay.
2. The patient shall also be entitled to the assistance, if necessary, of the services of an interpreter. Where such services are necessary and the patient does not secure them, they shall be made available without payment by the patient to the extent that the patient lacks sufficient means to pay.
3. The patient and the patient's counsel may request and produce at any hearing an independent mental health report and any other reports and oral, written and other evidence that are relevant and admissible.

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4. Copies of the patient's records and any reports and documents to be submitted shall be given to the patient and to the patient's counsel, except in special cases where it is determined that a specific disclosure to the patient would cause serious harm to the patient's health or put at risk the safety of others. As domestic law may provide, any document not given to the patient should, when this can be done in confidence, be given to the patient's personal representative and counsel. When any part of a document is withheld from a patient, the patient or the patient's counsel, if any, shall receive notice of the withholding and the reasons for it and it shall be subject to judicial review.

5. The patient and the patient's personal representative and counsel shall be entitled to attend, participate and be heard personally in any hearing.

6. If the patient or the patient's personal representative or counsel requests that a particular person be present at a hearing, that person shall be admitted unless it is determined that the person's presence could cause serious harm to the patient's health or put at risk the safety of others.

7. Any decision on whether the hearing or any part of it shall be in public or in private and may be publicly reported shall give full consideration to the patient's own wishes, to the need to respect the privacy of the patient and of other persons and to the need to prevent serious harm to the patient's health or to avoid putting at risk the safety of others.

8. The decision arising out of the hearing and the reasons for it shall be expressed in writing. Copies shall be given to the patient and his or her personal representative and counsel. In deciding whether the decision shall be published in whole or in part, full consideration shall be given to the patient's own wishes, to the need to respect his or her privacy and that of other persons, to the public interest in the open administration of justice and to the need to prevent serious harm to the patient's health or to avoid putting at risk the safety of others.

Principle 19

Access to information

1. A patient (which term in the present Principle includes a former patient) shall be entitled to have access to the information concerning the patient in his or her health and personal records maintained by a mental health facility. This right may be subject to restrictions in order to prevent serious harm to the patient's health and avoid putting at risk the safety of others. As domestic law may provide, any such information not given to the patient should, when this can be done in confidence, be given to the patient's personal representative and counsel. When any of the information is withheld from a patient, the patient or the patient's counsel, if any, shall receive notice of the withholding and the reasons for it and it shall be subject to judicial review.

2. Any written comments by the patient or the patient's personal representative or counsel shall, on request, be inserted in the patient's file.

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Principle 20

Criminal offenders

1. The present Principle applies to persons serving sentences of imprisonment for criminal offences, or who are otherwise detained in the course of criminal proceedings or investigations against them, and who are determined to have a mental illness or who it is believed may have such an illness.
2. All such persons should receive the best available mental health care as provided in principle 1 above. The present Principles shall apply to them to the fullest extent possible, with only such limited modifications and exceptions as are necessary in the circumstances. No such modifications and exceptions shall prejudice the persons' rights under the instruments noted in paragraph 5 of principle 1 above.
3. Domestic law may authorize a court or other competent authority, acting on the basis of competent and independent medical advice, to order that such persons be admitted to a mental health facility.
4. Treatment of persons determined to have a mental illness shall in all circumstances be consistent with principle 11 above.

Principle 21

Complaints

Every patient and former patient shall have the right to make a complaint through procedures as specified by domestic law.

Principle 22

Monitoring and remedies

States shall ensure that appropriate mechanisms are in force to promote compliance with the present Principles, for the inspection of mental health facilities, for the submission, investigation and resolution of complaints and for the institution of appropriate disciplinary or judicial proceedings for professional misconduct or violation of the rights of a patient.

Principle 23

Implementation

1. States should implement the present Principles through appropriate legislative, judicial, administrative, educational and other measures, which they shall review periodically.
2. States shall make the present Principles widely known by appropriate and active means.

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Principle 24

Scope of principles relating to mental health facilities

The present Principles apply to all persons who are admitted to a mental health facility.

Principle 25

Saving of existing rights

There shall be no restriction upon or derogation from any existing rights of patients, including rights recognized in applicable international or domestic law, on the pretext that the present Principles do not recognize such rights or that they recognize them to a lesser extent.



General Assembly

Distr.
GENERAL

A/RES/46/120
18 February 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721)]

46/120. Human rights in the administration of justice

The General Assembly,

Recalling its resolution 45/166 of 18 December 1990,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 1/ and the relevant provisions of the International Covenant on Civil and Political Rights 2/ and the Optional Protocols thereto, 3/ in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 4/ and in the International Convention on the Elimination of All Forms of Racial Discrimination, 5/

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- 1/ Resolution 217 A (III).
2/ See resolution 2200 A (XXI), annex.
3/ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
4/ Resolution 39/46, annex.
5/ Resolution 2106 A (XX), annex.

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Calling attention to the numerous international standards in the field of the administration of justice, such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 7/ and the safeguards guaranteeing protection of the rights of those facing the death penalty, 8/ as well as the Basic Principles on the Independence of the Judiciary, 9/ the Basic Principles on the Role of Lawyers, 10/ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, 9/ as well as the Code of Conduct for Law Enforcement Officials, 11/ the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 10/ and the Standard Minimum Rules for the Treatment of Prisoners, 12/

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolutions 1991/34 of 5 March 1991 on human rights in the administration of justice, 1991/39 of 5 March 1991 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1991/43 of 5 March 1991 on the right to a fair trial and 1991/71 of 6 March 1991 on summary or arbitrary executions, 13/

Welcoming Commission on Human Rights resolutions 1991/31 of 5 March 1991 on human rights and thematic procedures, 1991/42 of 5 March 1991 on the question of arbitrary detention and 1991/70 of 6 March 1991 on cooperation with representatives of United Nations human rights bodies, 13/

Also welcoming Commission on Human Rights resolution 1991/41 of 5 March 1991, 13/ establishing an inter-sessional working group to finalize the draft declaration on the protection of all persons from enforced or involuntary disappearances, and inviting the Commission to consider the revised draft declaration as a matter of high priority at its forty-eighth session,

6/ Resolution 43/173, annex.

7/ Resolution 40/34, annex.

8/ Economic and Social Council resolution 1984/50, annex.

9/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.

10/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

11/ Resolution 34/169, annex.

12/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

13/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

/...

Further welcoming the recommendations contained in the first report of Mr. Louis Joinet 14/ on strengthening the independence of judges and lawyers and endorsed by the Subcommittee on Prevention of Discrimination and Protection of Minorities in its resolution 1991/35 of 29 August 1991, 15/ including those on planning and organizing advisory services and technical assistance, and also welcoming the decision of the Subcommittee to entrust Mr. Joinet with the preparation of a further report,

Welcoming the further progress achieved by the Subcommittee on the subject of compensation for victims of gross violations of human rights and also Subcommittee resolution 1991/25 of 29 August 1991, 15/

Recalling the standards unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the recommendations made with a view to ensuring more effective applications of existing standards, and recalling also its invitation to Governments to respect these standards and to take them into account within the framework of their national legislation and practice,

Recognizing the significant work accomplished in this area under the United Nations crime prevention and criminal justice programmes,

Reaffirming the importance of the principles contained in its resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Underlining the need for further coordinated and concerted action in promoting respect for human rights in the administration of justice,

1. Reaffirms the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice;

2. Once again calls upon all States to pay due attention to these norms and standards in developing national and regional strategies for their practical implementation and to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as for adequate financial resources to ensure more effective implementation of these norms and standards;

3. Calls upon all States to ensure the widest possible dissemination of the texts of international instruments in this field;

4. Endorses Economic and Social Council resolution 1991/15 of 30 May 1991 concerning the implementation of United Nations standards and norms in crime prevention and criminal justice;

5. Recalls its resolution 45/155 of 18 December 1990 and takes note of Commission on Human Rights resolution 1991/30 of 5 March 1991, 13/ in which the Commission recommended that the Preparatory Committee for the World Conference on Human Rights should pay particular attention to the effective implementation of existing standards and instruments in the field of human rights;

14/ E/CN.4/Sub.2/1991/30 and Add.1-4.

15/ See E/CN.4/1992/2-E/CN.4/Sub.2/1991/65, chap. II, sect. A.

6. Welcomes Commission on Human Rights resolution 1991/42, by which the Commission created a five-member working group to investigate cases of arbitrary detention, and requests the Secretary-General to provide all necessary resources to the working group, taking into account its important and broad mandate;

7. Requests the Secretary-General:

(a) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services of the Centre for Human Rights of the Secretariat;

(b) To continue to provide all necessary support to United Nations bodies working on the promotion and protection of human rights and on international standard-setting in this field;

(c) To ensure the widest possible dissemination of the texts of the international instruments in this field, including those adopted unanimously by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to include the respective relevant texts in the next edition of the United Nations publication entitled Human Rights: A Compilation of International Instruments;

(d) To continue to coordinate activities in the field of human rights in the administration of justice, including the various technical advisory services carried out by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat, with a view to undertaking joint programmes and strengthening existing mechanisms;

8. Emphasizes the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

9. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

75th plenary meeting
17 December 1991



General Assembly

Distr.
GENERAL

A/RES/46/121
24 February 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721)]

46/121. Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights 2/ and the International Covenant on Economic, Social and Cultural Rights, 2/ and other international instruments concerning human rights adopted by the United Nations,

Recalling its resolutions 44/148 of 15 December 1989 and 44/212 of 22 December 1989 and other relevant resolutions,

Bearing in mind Commission on Human Rights resolution 1991/14 of 22 February 1991, 3/ in which the Commission drew the attention of the General Assembly to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights,

Recalling its resolution 45/199 of 21 December 1990, in which it proclaimed the Fourth United Nations Development Decade, one of the main characteristics of which is the search for a significant reduction in extreme poverty and a shared responsibility of all countries,

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2, (E/1991/22), chap. II, sect. A.

/...

Recognizing that extreme poverty is a violation of human dignity and could constitute a threat to the right to life,

Deeply concerned at the steady increase in extreme poverty in the world and at its effect on the most vulnerable groups of society, which are thus prevented from exercising their human rights and fundamental freedoms,

Aware of the need for a better understanding of the causes of extreme poverty,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Recognizing that the grave suffering of the great majority of human beings who live in conditions of extreme poverty demands the immediate attention of the international community and the adoption of concrete measures for the elimination of extreme poverty and social exclusion,

1. Affirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international measures are therefore required to eliminate them;
2. Stresses the need for an in-depth and complete study of the nature of the phenomenon of extreme poverty which affects mankind;
3. Requests the Commission on Human Rights to give appropriate consideration, in directing its studies of extreme poverty, to the conditions in which the poorest themselves can convey their experience and so contribute to a better understanding of their situation of social exclusion;
4. Again requests States, the specialized agencies and United Nations bodies and other international organizations, including intergovernmental organizations, to give the necessary attention to this problem;
5. Notes with appreciation the concrete measures taken by the United Nations Children's Fund to lessen the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for a means of alleviating poverty within the framework of the relevant resolutions;
6. Decides to continue the consideration of this question at its forty-seventh session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

75th plenary meeting
17 December 1991



General Assembly

Distr.
GENERAL

A/RES/46/122
24 February 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY
[on the report of the Third Committee (A/46/721)]

46/122. United Nations Voluntary Trust Fund
on Contemporary Forms of Slavery

The General Assembly,

Recalling Economic and Social Council decisions 16 (LVI) and 17 (LVI) of 17 May 1974, by which it authorized the SubCommission on Prevention of Discrimination and Protection of Minorities to establish a Working Group on Slavery, renamed the Working Group on Contemporary Forms of Slavery by the Commission on Human Rights in its resolution 1988/42 of 8 March 1988, 1/

Taking note of Commission on Human Rights resolution 1991/58 of 6 March 1991, 2/ on the report of the Working Group,

Taking note also of Economic and Social Council resolution 1991/34 of 31 May 1991, by which it requested the General Assembly to establish a voluntary fund on contemporary forms of slavery,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1/ Official Records of the Economic and Social Council, 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

2/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

/...

Convinced that the establishment of a voluntary trust fund on contemporary forms of slavery would constitute a significant development for the protection of the human rights of victims of contemporary forms of slavery,

1. Decides to establish a voluntary trust fund on contemporary forms of slavery in accordance with the following criteria:

(a) The name of the fund shall be the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

(b) The purposes of the Fund shall be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, secondly, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery;

(c) Funding shall be obtained by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities;

(d) The only types of activity to be supported by the Fund shall be those described in subparagraph (b) above;

(e) The only beneficiaries from the Fund shall be:

(i) Representatives from non-governmental organizations dealing with issues of contemporary forms of slavery:

a. Who are so considered by the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, described in subparagraph (f) below;

b. Who would not, in the opinion of the Board of Trustees, be able to attend the sessions of the Working Group on Contemporary Forms of Slavery without the assistance provided by the Fund;

c. Who would be able to contribute to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery;

(ii) Individuals whose human rights have been severely violated as a result of contemporary forms of slavery and who are so considered by the Board of Trustees;

/...

(f) The Fund shall be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a Board of Trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who will serve in their personal capacity; the members of the Board of Trustees shall be appointed by the Secretary-General for a three-year renewable term, in consultation with the current Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard to equitable geographical distribution;

2. Appeals to all Governments to respond favourably to requests for contributions to the Fund.

75th plenary meeting
17 December 1991



General Assembly

Distr.
GENERAL

A/RES/46/123
24 February 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY
[on the report of the Third Committee (A/46/721)]

46/123. Right to development

The General Assembly,

Recalling the proclamation by the General Assembly at its forty-first session of the Declaration on the Right to Development, 1/

Recalling its resolution 45/97 of 14 December 1990, and those of the Commission on Human Rights relating to the right to development, and taking note of Commission resolution 1991/15 of 22 February 1991, 2/

Recalling also the report on the Global Consultation on the Realization of the Right to Development as a Human Right, 3/

Reiterating the importance of the right to development for all countries, in particular the developing countries,

Mindful that the Commission on Human Rights has entered a new phase in its consideration of this matter, which is directed towards the implementation and further enhancement of the right to development,

1/ Resolution 41/128, annex.

2/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

3/ E/CN.4/1990/9/Rev.1.

/...

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Recalling its resolution 45/155 of 18 December 1990, in which it decided, inter alia, that one of the objectives of the 1993 World Conference on Human Rights would be to examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights, 4/

Having considered the comprehensive report of the Secretary-General, 5/ prepared pursuant to Commission on Human Rights resolution 1990/18 of 23 February 1990 6/ and General Assembly resolution 45/97,

1. Reaffirms the importance of the right to development for all countries, in particular the developing countries;

2. Takes note with interest of the comprehensive report of the Secretary-General; 5/

3. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-eighth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, taking into account the views expressed on the issue at the forty-seventh session of the Commission as well as any further comments and suggestions that may be submitted on the basis of paragraph 3 of Commission resolution 1990/18;

4. Reiterates the need for a continuing evaluating mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration;

5. Requests the Office of the Director-General for Development and International Economic Cooperation and the Centre for Human Rights of the Secretariat to continue coordination of the various activities with regard to the implementation of the Declaration;

6. Urges all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

7. Urges also the regional commissions and regional intergovernmental organizations to convene meetings of governmental experts and representative non-governmental and grass-roots organizations for the purpose of seeking agreement on arrangements for the implementation of the Declaration through international cooperation;

4/ Resolution 2200 A (XXI), annex.

5/ E/CN.4/1991/12 and Add.1.

6/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

8. Requests the Secretary-General to inform the Commission on Human Rights at its forty-eighth session and the General Assembly at its forty-seventh session of the activities of the organizations of the United Nations system on the implementation of the Declaration;

9. Calls upon the Commission to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, taking into account the conclusions and recommendations of the Global Consultation on the Realization of the Right to Development as a Human Right and replies contained in the report of the Secretary-General; 5/

10. Endorses the call of the Commission to the Preparatory Committee for the World Conference on Human Rights to take fully into account the Declaration in examining the relationship between development and the enjoyment of human rights;

11. Decides to consider this question at its forty-seventh session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

75th plenary meeting
17 December 1991



General Assembly

Distr.
GENERAL

A/RES/46/124
2 March 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721 and Corr.1)]

46/124. National institutions for the protection
and promotion of human rights

The General Assembly,

Recalling the relevant resolutions concerning national institutions for the protection and promotion of human rights, notably its resolution 41/129 of 4 December 1986 and Commission on Human Rights resolutions 1987/40 of 10 March 1987, 1/ 1988/72 of 10 March 1988, 2/ 1989/52 of 7 March 1989 3/ and 1990/73 of 7 March 1990, 4/ and taking note of Commission resolution 1991/27 of 5 March 1991, 5/

1/ See Official Records of the Economic and Social Council, 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

2/ Ibid., 1988, Supplement No. 2 and corrigenda (E/1988/12 and Corr.1), chap. II, sect. A.

3/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

4/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

5/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

/...

Emphasizing the importance of the Universal Declaration of Human Rights, 6/ the International Covenants on Human Rights 7/ and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that institutions at the national level can play in protecting and promoting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions by acting as a clearing-house for the exchange of information and experience,

Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the protection and promotion of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Recalling the recommendations contained in General Assembly resolution 45/155 of 18 December 1990 and Commission on Human Rights resolution 1991/30 of 5 March 1991 5/ inviting the Preparatory Committee for the World Conference on Human Rights to examine ways and means by which the World Conference could encourage the establishment or strengthening of national institutions,

Noting the diverse approaches adopted throughout the world for the protection and promotion of human rights at the national level, and recognizing the value of such approaches to promoting universal respect for, and observance of, human rights and fundamental freedoms,

1. Takes note with satisfaction of the updated report of the Secretary-General on national institutions for the protection and promotion of human rights, 8/ prepared in accordance with General Assembly resolution 44/64 of 8 December 1989;

2. Reaffirms the importance of the development, in accordance with national legislation, of effective national institutions for the protection and promotion of human rights and of maintaining their independence and integrity;

3. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the protection and promotion of human rights and to incorporate those elements in national development plans;

6/ Resolution 217 A (III).

7/ Resolution 2200 A (XXI), annex.

8/ E/CN.4/1991/23 and Add.1.

4. Notes the progress made in this area in the past few years and the increased number and effectiveness of national institutions for the promotion and protection of human rights in all parts of the world;

5. Notes also the efforts of the Centre for Human Rights of the Secretariat to increase cooperation with regional and national institutions;

6. Encourages initiatives on the part of Governments and regional, international, intergovernmental and non-governmental organizations intended to strengthen existing national institutions and to establish such institutions where they do not exist;

7. Requests the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions, particularly in respect of advisory services and technical assistance, public information and education in the field of human rights;

8. Also requests the Centre for Human Rights to establish, upon the request of States concerned, United Nations centres for human rights documentation and training, and to do so on the basis of established procedures for the use of available resources within the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

9. Requests the Secretary-General to respond favourably to requests from Member States for assistance in the establishment and strengthening of national institutions for the protection and promotion of human rights as part of the programme of advisory services and technical cooperation in the field of human rights, as well as national centres for human rights documentation and training;

10. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and operation of such national institutions;

11. Affirms the role of national institutions as agencies for the dissemination of human rights materials and other public information activities, prepared or organized under the auspices of the United Nations;

12. Recognizes the constructive role that non-governmental organizations can play in relation to national institutions;

13. Welcomes the convening of a workshop on this subject by the Centre for Human Rights in Paris in October 1991, as was requested in Commission on Human Rights resolution 1990/73;

14. Requests the Secretary-General to forward the results of that meeting to the Commission on Human Rights;

15. Also requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.



General Assembly

Distr.
GENERAL

A/RES/46/125
24 February 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721)]

46/125. Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 45/165 of 18 December 1990 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence of the practice of enforced disappearances in the world, and about the fact that, in certain cases, the families of disappeared persons have been the target of intimidation and ill-treatment,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Concerned by the growing number of reports concerning harassment of witnesses of disappearances or relatives of disappeared persons,

Recalling that the Working Group on Enforced or Involuntary Disappearances has referred on several occasions in its reports to the importance of drafting a declaration to enable it to fulfil its task properly,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

/...

Bearing in mind Commission on Human Rights resolution 1991/41 of 5 March 1991, 1/

1. Notes with satisfaction that the open-ended working group established by Commission on Human Rights resolution 1991/41 has completed its consideration of the draft declaration on the protection of all persons from enforced or involuntary disappearances, 2/ which will be transmitted to the Commission on Human Rights for adoption at its forty-eighth session;

2. Requests the Commission on Human Rights to give this question high priority at its forty-eighth session;

3. Appeals to Governments to take appropriate steps to prevent and suppress the practice of enforced disappearances and to take action at the national and regional levels and in cooperation with the United Nations to that end;

4. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and thanks those Governments that have cooperated with it;

5. Recalls with satisfaction the decision made by the Commission on Human Rights at its forty-sixth session to extend for two years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, 3/ while maintaining the principle of annual reporting, and requests the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion;

6. Appeals to the Governments concerned, particularly those which have not yet replied to the communications addressed to them by the Working Group, to cooperate fully with it so as to enable it, with respect for its working methods based on discretion, to perform its strictly humanitarian role, and in particular to reply more quickly to the requests for information addressed to them;

7. Encourages the Governments concerned to consider the wish of the Working Group, when such a wish is expressed, to visit their countries, thus enabling it to fulfil its mandate even more effectively;

8. Expresses its appreciation to those Governments that have cooperated with the Working Group and replied to its requests for information;

9. Extends its warm thanks to those Governments which have invited the Working Group, requests them to give all necessary attention to its recommendations and invites them to inform the Working Group of any follow-up measures taken;

1/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

2/ E/CN.4/Sub.2/1990/32, annex.

3/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

10. Appeals to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they may be the target;

11. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Working Group to the Commission at its forty-eighth session;

12. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary facilities.

75th plenary meeting
17 December 1991



General Assembly

Distr.
GENERAL

A/RES/46/126
24 February 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY
[on the report of the Third Committee (A/46/721)]

46/126. Human rights and scientific and technological progress

The General Assembly,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Bearing in mind the relevant provisions of the Universal Declaration of Human Rights, 1/ the International Covenant on Economic, Social and Cultural Rights, 2/ the International Covenant on Civil and Political Rights 2/ and the Declaration on Social Progress and Development, 3/

Recalling the relevant provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, 4/

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- 1/ Resolution 217 A (III).
2/ See resolution 2200 A (XXI), annex.
3/ Resolution 2542 (XXIV).
4/ Resolution 3384 (XXX).

/...

Reaffirming the need to respect human rights and fundamental freedoms and the dignity of the human person in the conditions of scientific and technological progress,

Bearing in mind that the main and decisive factor in the acceleration of the social and economic development of society is the development of the human being,

Conscious that modern science and technology give the possibility to create material conditions for the prosperity of society and for the thorough development of the human person,

Being convinced that today the resources of mankind and the activities of scientists should be used for the peaceful social, economic and cultural development of all countries, raising the standard of living of all peoples and for better assurance of human rights and fundamental freedoms,

Recognizing the need to broaden the access of developing countries to the achievements of scientific and technological progress,

Recognizing also the important contribution of science and technology to the economic and social progress of mankind,

Aware that the exchange of scientific and technological knowledge is one of the important ways to accelerate the social and economic development of all countries, especially of developing countries,

1. Underlines the importance of the implementation by all States of the provisions and principles contained in the Universal Declaration of Human Rights and the International Covenants on Human Rights ^{2/} and the relevant provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind for the promotion of the realization of human rights and fundamental freedoms;

2. Calls upon all Member States to ensure that the achievements of scientific and technological progress and the intellectual potential of mankind are used for promoting and encouraging universal respect for human rights and fundamental freedoms;

3. Also calls upon Member States to take the necessary measures to ensure that the results of science and technology are used only for the benefit of the human being and do not lead to the disturbance of the ecological environment;

4. Emphasizes that scientific knowledge and technology in health, education, housing and other social spheres should be readily available to the population as the heritage of humanity;

5. Requests the specialized agencies and other United Nations bodies to take into consideration the relevant provisions of the international instruments listed above in their programmes and activities;

6. Decides to consider the question of human rights and scientific and technological progress at its forty-eighth session under the item entitled "Human rights questions".

75th plenary meeting
17 December 1991



General Assembly

Distr.
GENERAL

A/RES/46/127
2 March 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721 and Corr.1)]

46/127. Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the increasing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur of the Commission on Human Rights on this subject 1/ and also in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, 2/

Aware of the recommendations concerning mass exoduses made by the Commission on Human Rights to its Subcommission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs to be taken into account when studying violations of human rights in any part of the world,

1/ E/CN.4/1503.

2/ A/41/324, annex.

/...

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international cooperation aimed at averting new massive flows of refugees while providing durable solutions to actual refugee situations,

Reaffirming its resolution 41/70 of 3 December 1986, in which it endorsed the conclusions and recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees,

Bearing in mind its resolution 45/153 of 18 December 1990 and Commission on Human Rights resolution 1991/73 of 6 March 1991, 3/ as well as all previous relevant resolutions of the General Assembly and the Commission on Human Rights,

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

Noting that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements and problems of protection,

1. Reaffirms its support for the recommendation of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees that the principal organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons;

2. Again invites all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation with and assistance to world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

3. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

4. Invites the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons;

3/ See Official Records of the Economic and Social Council, 1991, Supplement No.2 (E/1991/22), chap. II, sect. A.

5. Notes with appreciation the emphasis placed by the Secretary-General in his annual report on the work of the Organization, 4/ on the need to develop the capacity of the United Nations for early warning and preventive diplomacy to help deter humanitarian crises;

6. Reiterates, in this regard, its previous resolutions on the question of human rights and mass exoduses and requests the Secretary-General, in the further development of the capacity of the Secretariat for early warning and preventive diplomacy, to pay particular attention to international cooperation to avert new flows of refugees;

7. Notes in this connection that mass movements of populations are caused by multiple and complex factors, either man-made or natural, ranging from wars and armed conflicts, invasions and aggressions, violations of human rights, forcible expulsions, economic and social factors, natural disasters, to degradation in the environment, which indicates that early warning requires an intersectoral and multidisciplinary approach;

8. Takes note of the report of the Secretary-General on human rights and mass exoduses, 5/ and reiterates its request that future reports include information concerning the modalities and operations of early-warning activities to avert new and massive flows of refugees;

9. Specially encourages the Secretary-General to continue to discharge the task described in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including the continuous monitoring of all potential outflows, and to implement the recommendations of the Joint Inspection Unit contained in its report entitled "The coordination of activities related to early warning of possible refugee flows"; 6/

10. Requests the Secretary-General to intensify his efforts to develop the role of the Office for Research and the Collection of Information of the Secretariat as a focal point for the operation of an effective early-warning system and the strengthening of coordination of information-gathering and analysis among United Nations agencies with a view to preventing new massive flows of refugees and displaced persons;

11. Reiterates the importance of the early-warning function of the Office for Research and the Collection of Information;

12. Urges the Secretary-General to allocate the necessary resources to consolidate and strengthen the system for undertaking early-warning activities in the humanitarian area by, inter alia, the computerization of the Office for Research and the Collection of Information and strengthened coordination among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights of the Secretariat and the relevant specialized agencies;

4/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No.1 (A/46/1).

5/ A/46/542.

6/ A/45/649 and Corr.1, annex.

13. Welcomes the information in the report of the Secretary-General that a temporary post is expected to become available in the biennium 1992-1993 in order that a computer specialist can be recruited to further the development of the data system of the Office for Research and the Collection of Information;

14. Requests the Secretary-General to make the necessary information available to the competent United Nations organs, bearing in mind the recommendations of the Joint Inspection Unit on coordination;

15. Invites bodies of the United Nations system to consider the most expedient ways and means of following up the recommendations of the Joint Inspection Unit on coordination;

16. Welcomes the initiation of close contacts between the Office for Research and the Collection of Information and a large number of United Nations agencies and offices in pursuit of a system-wide network for early warning of potential mass exoduses;

17. Welcomes also the establishment by the Administrative Committee on Coordination of the Ad Hoc Working Group on Early Warning regarding New Flows of Refugees and Displaced Persons with a mandate to develop an effective early-warning system related to possible flows of refugees and displaced persons, including practical measures of cooperation and procedures for gathering, analysing and disseminating information in a timely manner to all concerned, and to make recommendations on the need for an inter-agency consultative mechanism;

18. Urges the Ad Hoc Working Group to carry out its mandate and submit to the Administrative Committee on Coordination in 1992 its report on the early-warning mechanism to be established;

19. Emphasizes the significance of this task of the Ad Hoc Working Group in view of the continuing situation with regard to mass exoduses;

20. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the strengthened role that he is playing in undertaking early-warning activities, especially in the humanitarian area, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees;

21. Invites the Secretary-General to keep the General Assembly informed of the efforts to follow up recommendations of the Joint Inspection Unit;

22. Also invites the Secretary-General to include in his report to the General Assembly at its forty-seventh session detailed information on the programmatic, institutional, administrative, financial, and managerial efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and to tackle the root causes of such outflows;

23. Decides to continue consideration of the question of human rights and mass exoduses at its forty-seventh session.

75th plenary meeting
17 December 1991